Amendments To The Drawings:

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1. In Figure 1, previously omitted elements 54, 56, 58, 60, 62, 64, and 66 have been added. These changes have been made to conform the drawings to the claims as filed and are not new matter. The specification has been amended accordingly. An annotated drawings page has also been included.

Attachment: Replacement Sheet Annotated Sheet Showing Changes

Remarks

This Amendment is in response to the Office Action dated **January 11, 2005.** The drawings were objected to, the specification was objected to, claim 4 was objected to, claims 1-7 were rejected under §112, and claims 1-7 were rejected under §103 on various combinations.

In response, applicant has amended Figure 1, including a replacement page and also an annotated drawing page. Applicant has amended the specification and claims to fix the objections to the specification and claims. Finally, the §103 rejections are traversed below.

The Invention

The invention relies on the idea that the braking of an industrial truck is divided in two paths. One path is defined by the driving motor of the truck. It is well-known to brake a vehicle by its driving motor. In the invention the power of the motor 10 is controlled by a predetermined variable torque. This torque can be also used for braking purposes. The other braking path is defined by a braking device associated at least with one driving wheel. In the invention it is provided that upon an actuation of the braking pedal, first the amount of braking power is to be supplied by the torque of the motor. If the desired braking force cannot be afforded by the motor, the remainder of the braking force is taken over by the braking device 44, 46. Therefore, the desired braking signal is converted into a braking torque signal for the motor control device. The actual braking force afforded by the motor is detected and converted into an actual braking signal. The desired braking signal and the actual braking signal are compared in comparator 36 i.e. a difference is formed between these magnitudes. The difference signal is converted to a braking signal for the braking device 44, 46.

The actuation of braking device 12 is only necessary in a hard stop case. The braking signal for braking device 12 is generated by generator 22 or by controllers 40, 42 as

explained in the specification.

The §103 Rejections

The references cited against claim 1, as currently amended, are not considered pertinent at all.

The EP '348 reference discloses the use of the driving motor braking a vehicle. It is also disclosed in this reference to vary the braking force by the motor according to predetermined curves. It is clear that this reference does not disclose to automatically divide a braking signal into a torque signal for the motor on one side and into a braking signal for a braking device on the other side, as called for by amended claim 1.

EP '348 in combination with Dannettell do not meet claims 1, 3 and 6, as currently amended. Since the primary combination fails to meet claim 1, the other combinations based on the primary combination fail to meet claims 2, 4, 5 and 7.

Claims 1-7, as currently amended, are believed to be in condition for allowance.

Respectfully submitted,

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